

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference AMU0401PCT	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/DE2004/002819	International filing date ( <i>day/month/year</i> ) 22 December 2004 (22.12.2004)	Priority date ( <i>day/month/year</i> ) 07 February 2004 (07.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant AMARU, Patrick, Roman		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 04 October 2006 (04.10.2006)  Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Ellen Moyse</div>  e-mail: pt05@wipo.int
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**TRANSLATION**  
**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference <b>AMU0401PCT</b>		FOR FURTHER ACTION See paragraph 2 below
International application No. <b>PCT/DE2004/002819</b>	International filing date (day/month/year) <b>22.12.2004</b>	Priority date (day/month/year) <b>07.02.2004</b>
International Patent Classification (IPC) or both national classification and IPC <b>H04N13/04, G01C21/00</b>		
Applicant <b>AMARU, Patrick, Roman</b>		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5-11, 14	YES
	Claims	1-4, 12-13	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 5 712 649  
D2: US 5 019 828  
D3: US 5 848 373  
D4: US 2 313 562

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (the references between parentheses relate to this document):

portable apparatus for viewing of an image (figure 1),

- in particular of a stereo image (column 9, lines 32-43, where "solid image" is understood to be a stereo image),
- having a housing (figure 4),
- in which an image, an optical unit and two viewer openings (figure 4) are provided, characterized in

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

that

- the image is produced by means of a display which can be driven electronically (figures 4-6, column 5, lines 63 to column 6, line 32), and
- means are provided such that the electronic image data which is available to the display is provided in an image store which is integrated in the housing (column 8, lines 49-51: since the apparatus is described as being fully integrated and autonomous, an integrated image store is implicit to a person skilled in the art) and/or
- is provided from an external image data unit, without the use of wires, via an interface (column 8, lines 58-61).

Claim 1 is thus not novel.

2.2 Comments:

- The expression "and/or" allows three cases. Although D21 discloses only integrated or external image data, the combination would not represent an inventive step.
  - Although "solid image" in D1 does not explicitly refer to a "stereo image", this feature is interpreted in this way, since the left and the right eye see different images, and it is possible to derive from these images that the brain will combine the two different images so as to produce a stereoscopic effect. Furthermore, it is not clear what other interpretation of "solid image" would be possible.
- On the other hand, D1 can be combined with the

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
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stereoscope from D4 for opposition to an inventive step.

- Although an integrated image store is not explicit in D1, this features is also already known to a person skilled in the art (in a mobile telephone, laptop...). It would therefore not represent an inventive step.

**3 DEPENDENT CLAIMS 2-11**

3.1 The independent claims 2-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step (PCT Article 33(3)), see the documents D1, D2 and D3 and the corresponding text references cited in the search report.

3.2 The reasons for this are as follows:

D2 discloses the combination of a position-determination unit with a portable apparatus for viewing a corresponding stereo image.

The features of the stereoscopic system are disclosed in D1.

In addition, the features of the position-determination unit are generally known to a person skilled in the art (from GPS in PDA - Personal Data Assistant - or in a car, for example from D3).

D2 can therefore be combined with D1 and D3 in order to modify the position-determination unit and the stereoscopic system.

**4 INDEPENDENT CLAIM 12**

4.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 12 is not novel within the meaning of PCT Article 33(2).

Document D2 discloses (the references between parentheses relate to this document):

method for production of an image (abstract),

- in particular a stereo image (abstract),

- which is produced in a portable housing (figure 3),

characterized

- in that means are provided such that images which characterize the area surrounding the housing are produced on an electronic display, from the current location of the housing (abstract).

Claim 12 is thus not novel.

**5 DEPENDENT CLAIMS 13, 14**

The dependent claims 13, 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty or inventive step, see also document D3 and the corresponding text references cited in the search report:

an integrated position-determination unit and control unit, transmission of the image data via the air interface from an external image data unit and display of a predeterminable location are generally

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Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

known to a person skilled in the art (and this disclosed in D2 or D3).

The subject matter of claims 13 and 14 is therefore not based on an inventive step or on novelty within the meaning of PCT Article 33.

**6     Lack of clarity**

- The expressions "more particularly" and "if required" are not clear and lead to features which are not considered to be significant (for example: the stereoscopic aspect is not significant).
- it is not clear whether the electronic display is a single display or whether it allows two displays.
- it is not clear whether the left image and the right image are displayed at the same time or alternatively.